

THURSDAY, APRIL 5, 1990

EIGHTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Kenneth Hubbard, First Baptist Church, Smyrna, Tennessee.

Representative Fred Hobbs led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usery, Webb, West, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Robinson (Washington) was excused due to out-of-state business.

REPORTS FROM STANDING COMMITTEES

**REPORT OF COMMITTEE ON CALENDAR AND RULES
April 5, 1990**

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular Calendar for Monday, April 9, 1990: House Bill(s) No(s). 1758, 2059,

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1693, 1747, 2549, 1832, 1805, 2528, 1727, 1889, 2503, 1640, 2368, 2545, 2282, 671.

We have also set the following bills on the **Regular Calendar** for **Wednesday, April 11, 1990**: Senate Joint Resolution(s) No(s). 466; House Joint Resolution(s) No(s). 795; House Bill(s) No(s). 1611 and 2044; Senate Joint Resolution(s) No(s). 448; House Bill(s) No(s). 2375; House Joint Resolution(s) No(s). 686; also, House Bill(s) No(s). 2387, 2506, 1643 and 2132.

We have also set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 9, 1990**: House Bill(s) No(s). 2495, 1701, 2656, 2651 and 2149; Senate Joint Resolution(s) No(s). 517, 518, 519, 520, 521 and 522; House Bill(s) No(s). 2336; House Resolution(s) No(s). 98 and 100; also, Senate Joint Resolution(s) No(s). 458, 483, 577 and 431.

Pursuant to **Rule No. 72**, House Bill No. 1641 was referred to the Finance, Ways and Means Committee.

PHILLIPS, Chairman.

REGULAR CALENDAR

House Bill No. 1801 -- Courts, Supreme Court of Tennessee -- Designates at large seats as Part I and Part II. Amends TCA 16-3-101.

Further consideration of House Bill No. 1801, previously considered on March 22, 1990, at which time it was reset to the Calendar for April 5, 1990.

Rep. Burnett moved that House Bill No. 1801 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 2107 -- Sentencing -- Prohibits imposition of death sentence for mentally retarded person. Amends TCA, Title 39, Ch. 13, Pt. 2.

Rep. Jackson moved that House Bill No. 2107 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2107 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding a new section thereto, to be designated as 39-13-203, as follows:

Section 39-13-203.

(a) For the purposes of this section, mental retardation is defined as:

(1) Significantly subaverage general intellectual functioning; and

(2) Deficits in adaptive behavior; and

(3) The mental retardation must have been manifested during the developmental period, or by the age of eighteen (18).

(b) Notwithstanding any provision of law to the contrary, no defendant with mental retardation at the time of committing first degree murder shall be sentenced to death.

(c) The burden of production and persuasion to demonstrate mental retardation by a preponderance of the evidence is upon the defendant. The determination of whether the defendant was mentally retarded at the time of the offense of first degree murder shall be made by the court.

(d) If the court determines that the defendant was a person with mental retardation at the time of the offense and the trier of fact finds the defendant guilty of first degree murder, there shall be no separate sentencing hearing and the defendant shall be sentenced to life imprisonment.

(e) If the issue of mental retardation is raised at trial and the court determines that the defendant is not a person with mental retardation, the defendant shall be entitled to offer evidence to the trier of fact of diminished intellectual capacity as a mitigating circumstance pursuant to Section 39-13-204(j)(8).

AND IS FURTHER AMENDED by renumbering the subsequent existing sections accordingly;

AND IS FURTHER AMENDED by redesignating existing section 39-13-206 as section 39-13-210 and renumbering the subsequent existing subsections accordingly;

AND IS FURTHER AMENDED by designating renumbered sections 39-13-207 -- 209 as "Reserved".

On motion, Amendment No. 1 was adopted.

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CHAIR TO DEBERRY

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Jackson moved that House Bill No. 2107 be passed on third and final consideration.

Rep. Gaia moved the previous question, which motion prevailed.

Thereupon, Rep. Jackson moved that House Bill No. 2107, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	83
Noes.	3
Present and not voting.	4

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 83.

Representatives voting no were: Jones, U. (Shelby), Stamps, Ussery -- 3.

Representatives present and not voting were: Copeland, Head, Moody, Yelton -- 4.

A motion to reconsider was tabled.

MESSAGE FROM SENATE

April 5, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1870, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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REGULAR CALENDAR, CONTINUED

House Bill No. 904 -- Board of Regents -- Increases age requirement for certain members. Amends TCA, Title 49, Ch. 8, Pt. 2.

On motion, House Bill No. 904 was made to conform with Senate Bill No. 626.

On motion, Senate Bill No. 626, on same subject, was substituted for House Bill No. 904.

Rep. Stamps moved that Senate Bill No. 626 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 1

Amend Senate Bill No. 626 by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 49-8-201(a)(13), is amended by deleting the language "thirty (30) years of age" and by substituting instead the language "forty (40) years of age".

SECTION 3. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Stamps moved that Senate Bill No. 626 be passed on third and final consideration.

Rep. Henry (Putnam) moved the previous question, which motion he then withdrew.

Rep. Burnett moved the previous question, which motion prevailed.

Thereupon, Rep. Stamps moved that Senate Bill No. 626, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	15
Present and not voting.	1

Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson,

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Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, McAfee, McDaniel, Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton -- 78.

Representatives voting no were: Armstrong, Bell, Bragg, Buck, Givens, Head, Herron, Kisber, Moody, Moore (Lawrence), Naifeh, Pinion, Rhinehart, Stallings, Winningham -- 15.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 5, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 590; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0590 -- General Assembly, Proclamations -- Proclaims "National Community Development Week".

REGULAR CALENDAR, CONTINUED

House Bill No. 0713 -- Tort Liability -- Makes providers of horse trails and related services liable only in cases of gross negligence or willful conduct. Amends TCA, Title 29, Ch. 34, Pt. 2.

On motion, House Bill No. 713 was made to conform with Senate Bill No. 619.

On motion, Senate Bill No. 619, on same subject, was substituted for House Bill No. 713.

Rep. McDaniel moved that Senate Bill No. 619 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 619 by deleting all of the language in its entirety following the enacting clause, and by

substituting instead the following language:

SECTION 1. TCA 29-34-202 is amended by adding the following language between the words "leased," and "shall":

or which provides the use of riding trails for horses on a regular basis

AND FURTHER AMEND by deleting the words:

caused by the horse and

AND FURTHER AMEND by adding the following words between the words "horse" and "only":

or user of such trails

SECTION 2. TCA 29-34-203 is amended by adding the following language and punctuation between the words "corporation," and "organization" everywhere they appear in sequence:

nonprofit corporation,

AND FURTHER AMEND by deleting the word "or" between the words "vessels" and "provides" and substituting the following punctuation ",,"

AND FURTHER AMEND by adding the following words and punctuation between the words "boating" and "on":

, or provides training in the safe and proper recreational use of whitewater streams

AND FURTHER AMEND by deleting the word "or" between "vessels" and "guide" and substituting the following punctuation ",,"

AND FURTHER AMEND by adding the following language and punctuation between the words "services" and "only":

, or by a participant in activities sponsored by a nonprofit corporation on a stream or river,

AND FURTHER AMEND by deleting the word "or" between the words "vessels" and "providing" and substituting the following punctuation ",,"

AND FURTHER AMEND by adding the following language and punctuation after the word "services" and by deleting the punctuation ",,"

, or providing such training services.

Section 3, Title 29, Chapter 34, Part 2, is further

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amended by adding the following appropriately numbered sections:

Section ____

This act shall apply only to injured persons who have attained the age of 18 years.

Section ____

(a) The general assembly takes notice of the increasing difficulty of the above mentioned activities to obtain liability insurance. For the purpose of assisting the general assembly in understanding the ramifications of this fact, the department of commerce and insurance is hereby directed to conduct a study pursuant to TCA 56-41-101, dealing with Joint Underwriting Associations, to determine whether this coverage is readily available in the voluntary market and whether the public interest requires such availability.

(b) The department of commerce and insurance is further directed to report its findings to the Senate and House judiciary committees by ____.

(c) After the presentation of such reports the legislature shall direct the commissioner of insurance to proceed with establishing a Joint Underwriting Association, if deemed by the commissioner to be appropriate, or any other program which the legislature may deem appropriate.

Section ____

This act shall take effect on June 1, 1990 and be repealed on June 1, 1992.

SECTION 4. It is the intent of the general assembly that TCA 29-34-202 and TCA 29-34-203 remain in full force and effect until June 1, 1992.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved to amend as follows:

Amendment No. 2

AMEND Senate Bill No. 619 by deleting from the first Section ____ of Section 3 of House Judiciary Committee amendment number 1 the words "This act" and by substituting instead the language "Tennessee Code Annotated, Sections 29-34-202 and 203".

AND FURTHER AMEND by deleting subsection (b) of the second

Section ___ of Section 3 of House Judiciary Committee Amendment number 1 and by substituting instead the following:

(b) The department of commerce and insurance is further directed to report its findings to the Senate and House Judiciary Committees by March 1, 1991.

On motion, Amendment No. 2 was adopted.

Rep. McDaniel moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 619 by deleting from subsection (c) of the second Section ___ of SECTION 3 as amended by House Judiciary Committee Amendment 1 the words "legislature may" and substituting instead the words "commissioner may".

On motion, Amendment No. 3 was adopted.

Rep. McDaniel moved that Amendment No. 4 be withdrawn, which motion prevailed.

Thereupon, Rep. McDaniel moved that Senate Bill No. 619, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Hobbs -- 1.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to yes on Senate Bill No. 619 and have this statement entered in the Journal.

Rep. Fred Hobbs

REGULAR CALENDAR, CONTINUED

House Bill No. 2138 -- Water Pollution -- Excludes certain restoration of swamps from definition of pollution under water quality laws. Amends TCA, Title 69, Ch. 3.

Further consideration of House Bill No. 2138, previously considered on March 21 and 28, 1990, at which time it was reset to the Calendar for April 5, 1990.

Rep. Holt moved that House Bill No. 2138 be passed on third and final consideration.

Rep. Kernell moved that House Bill No. 2138 be reset as the first bill on the Calendar for Monday, April 9, 1990.

Rep. Clark moved to amend Rep. Kernell's motion by resetting the bill to the next available space on the next available Calendar, which motion prevailed.

Rep. Burnett moved to table the motion to reset, as amended, which motion failed by the following vote:

Ayes.	39
Noes.	47
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Bell, Buck, Burnett, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), DePriest, Duer, Givens, Gunnels, Harrill, Head, Hobbs, Holcomb, Holt, Jackson, McDaniel, Naifeh, Napier, Niceley, Phillips, Pinion, Ridgeway, Robinson (Davidson), Shirley, Sipes, Stallings, Starnes, Ussery, Webb, Wheeler, Winningham, Wolfe, Yelton -- 39.

Representatives voting no were: Austin, Bittle, Bivens, Burchfield, Byrd, Cain, Callicott, Clark, Coffey, Cross, Davis (Knox), Dixon, Gaia, Garrett, Good, Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Hubbard, Jones, U. (Shelby), Kent, Kernell, King, McAfee, Moody, Moore (Lawrence), Moore (Shelby), Nuber, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Scruggs, Severance, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Williams, Wix, Wood -- 47.

Representatives present and not voting were: Bragg, Haun, Whitson -- 3.

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Thereupon, Rep. Kernell renewed his motion to reset House Bill No. 2138 to the next available space on the Calendar for Wednesday, April 11, 1990, which motion prevailed.

MESSAGE FROM THE SENATE

April 5, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2690, 2701 and 2703; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2690 -- Gallatin -- Revises beginning date of term of office for council members. Amends Chapter 67, Private Acts of 1953, as amended.

Senate Bill No. 2701 -- Gallatin -- Revises duties and compensation of mayor. Amends Chapter 67, Private Acts of 1953, as amended.

Senate Bill No. 2703 -- Gallatin -- Establishes aldermanic districts. Amends Chapter 67, Private Acts of 1953, as amended.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2289 -- Game and Fish Laws --** Revises certain provisions relative to game and fish laws. Amends TCA 70-1-302, 305, 70-2-101, 108, 70-2-205, 206, 208, 218, 70-4-104, 113, 115, 116, 118, 119, 70-4-201, 206, 101, 70-6-101, 70-8-103.

On motion, House Bill No. 2289 was made to conform with Senate Bill No. 2397.

On motion, **Senate Bill No. 2397**, on same subject, was substituted for House Bill No. 2289.

Rep. Cross moved that **Senate Bill No. 2397** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Cross moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Cross moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2397 by deleting from Section 8, as amended, the word "customer" and by substituting instead the word "consumer".

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On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cross moved that Senate Bill No. 2397, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	5
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Head, Henry (Roane), Herron, Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 84.

Representatives voting no were: Burchfield, Chiles, Gunnels, Moody, Scruggs -- 5.

Representatives present and not voting were: Haun, Holcomb -- 2.

A motion to reconsider was tabled.

REMARKS

Representative U. A. Moore requested that the following remarks be recorded in the journal.

Representative Cross, for clarification purposes. In committee we were discussing this, provisions, as to the count, and the credibility to the musslers and to the buyers.

This is the people that's in the field, representing the company. If I'm not mistaken, as we have this bill, as it is right now, it applies, and that definition in there, that the buyer, for their wholesalers, are not required to have to pay this special fee under that, nor do they have to keep the records. The buyers--only the brokers are the ones that's responsible. I want it out on the, on the Journal, Madam Speaker, for the purpose of clarification, so that they won't be charging a fee, to those people who are buyers of it, but it's the wholesalers, uh, the people who is warehousing are selling this is the ones who's been paying that fee.

Rep. U. A. Moore

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REGULAR CALENDAR, CONTINUED

*Senate Joint Resolution No. 0270 -- Directs designation of Cumberland Gap National Historic Park.

Rep. Cross moved that Senate Joint Resolution No. 270 be concurred in.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Thereupon, Rep. Cross moved that Senate Joint Resolution No. 270 be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

Senate Joint Resolution No. 0132 -- Memorials, Congress -- Urges separation of transportation funds from unified federal budget.

Rep. Ridgeway moved that Senate Joint Resolution No. 132 be concurred in, which motion prevailed by the following vote:

Ayes.	89
Noes.	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson),

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Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Holcomb, Hubbard, Moody -- 3.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 0105 -- Governor -- Urges Governor to establish on-going task force on commuter rail services.**

Rep. West moved that Senate Joint Resolution No. 105 be concurred in, which motion prevailed by the following vote:

Ayes.	88
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Joint Resolution No. 105 and have this statement entered in the Journal.

Rep. Paul C. Scruggs

REGULAR CALENDAR, CONTINUED

***House Bill No. 2401 -- Metropolitan Government -- Changes officers to be appointed by metropolitan airport authorities. Amends TCA, Title 42, Ch. 4.**

Rep. West moved that House Bill No. 2401 be reset to the Calendar for Wednesday, April 11, 1990, which motion prevailed.

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House Bill No. 1864 -- Tennessee Housing Development Agency -- Requires THDA to serve as clearinghouse for certain properties. Amends TCA, Title 13, Ch. 23.

Rep. West moved that House Bill No. 1864 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1864 by adding the following language after Section 1 of the bill:

SECTION 2. Tennessee Code Annotated, Section 13-23-403(a)(2), is amended by deleting the word "total" and by adding the words "remaining after the operating and administrative cost of the Agency have been funded" between the word "fund" and the word "shall".

AND FURTHER AMEND by redesignating subsequent subsections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. West moved that House Bill No. 1864, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 1871 -- Firearms and Ammunition -- Revises criminal law concerning weapons. Amends TCA, Title 39, Ch. 17, Pt. 13.

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Rep. Burnett moved that House Bill No. 1871 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1871 by deleting Sections 1, 2, 3, 4, 5 and 6 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1301, is amended by adding the following new subsections:

() "Immediate vicinity" refers to the area within the person's immediate control within which the person has ready access to the ammunition.

() "Unloaded" means the rifle, shotgun or handgun does not have ammunition in the chamber, cylinder, clip or magazine and no clip or magazine is in the immediate vicinity of the weapon.

AND IS FURTHER AMENDED by deleting current subsection (12) in its entirety and substituting instead the following appropriately numbered subsection:

() "Switchblade knife" means any knife that has a blade which opens automatically:

(A) By hand pressure applied to a button or other device in the handle; or

(B) By operation of gravity or inertia.

SECTION 2. Tennessee Code Annotated, Section 39-17-1302, is amended by deleting subsection (b)(1) in its entirety and substituting instead the following:

(1) Was incident to the performance of official duty and pursuant to military regulations in the army, navy, air force, coast guard or marine service of the United States or the Tennessee National Guard, or was incident to the performance of official duty in a governmental law enforcement agency, or a penal institution; or

AND IS FURTHER AMENDED by deleting the words "or machine gun" from subsection (b)(7) and by substituting instead the words "machine gun or firearm silencer".

SECTION 3. Tennessee Code Annotated, Section 39-17-1303 is amended by deleting subsection (b)(1) in its entirety and substituting instead the following:

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(1) A firearm was loaned or given to a minor for the purposes of hunting, trapping, fishing, camping, sport shooting or any other lawful sporting activity; and

SECTION 4. Tennessee Code Annotated, Section 39-17-1305, is amended by deleting subsection (c)(1) in its entirety and substituting instead the following:

(1) Is in the actual discharge of official duties as a law enforcement officer, or is employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee National Guard in the line of duty and pursuant to military regulations, or is in the actual discharge of duties as a correctional officer employed by a penal institution;

SECTION 5. Tennessee Code Annotated, Section 39-17-1306 is amended by deleting subsection (c)(2) in its entirety and substituting instead the following:

(2) Is in the actual discharge of official duties as a law enforcement officer, or is employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee National Guard in the line of duty and pursuant to military regulations, or is in the actual discharge of official duties as a guard employed by a penal institution, or as a bailiff, marshal or other court officer who has responsibility for protecting persons or property or providing security.

SECTION 6. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting it in its entirety and substituting instead the following:

39-17-1307. Unlawful Possession of a Weapon.

(a) A person commits an offense who:

(1) Possesses a firearm, knife with a blade length exceeding four (4) inches, or a club; or

(2) Possesses any deadly weapon with intent to employ it in the commission of or escape from an offense.

(b) An offense under subsection (a)(1) is a Class C misdemeanor, except it is:

(1) A Class A misdemeanor if the person's possession of a handgun occurred at a place open to the public where one (1) or more

persons were present;

(2) A Class E felony when:

(A) the person possessed a handgun; and

(B) has been convicted of a felony involving the use or attempted use of force, violence, or a deadly weapon; or

(C) has been convicted of a felony drug offense.

(c) An offense under subsection (a)(2) is a Class E felony.

SECTION 7. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting it in its entirety and substituting instead the following:

39-17-1308. Defenses to Unlawful Possession of a Weapon.

(a) It is a defense to the application of Section 39-17-1307 if the possession:

(1) Was of an unloaded rifle, shotgun, or handgun not concealed on or about the person and the ammunition for the weapon was not in the immediate vicinity of the person or weapon; or

(2) Was by a person authorized to possess a firearm pursuant to Section 39-17-1315; or

(3) was at the person's:

(A) Place of residence; or

(B) Place of business; or

(4) Was incident to lawful hunting, trapping, fishing, camping, sport shooting, or other lawful activity; or

(5) Was by a person possessing a rifle or shotgun while engaged in the lawful protection of livestock from predatory animals; or

(6) Was by a Tennessee Valley Authority officer who holds a valid commission from the commissioner of safety pursuant to this act while such officer is in the performance of the officer's official duties; or

(7) Is a state, county or municipal judge

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or any federal judge or magistrate.

(b) The defenses described in this section are not available to persons described in Section 39-17-1307(b)(2).

SECTION 8. Tennessee Code Annotated, Section 39-17-1309, is amended by deleting the words "with intent to go armed" from subsection (b);

AND IS FURTHER AMENDED by deleting subsection (c)(1) in its entirety and substituting instead the following:

(1) Each chief administrator of a public or private school shall display in prominent locations about the school a sign, at least six (6) inches high and fourteen (14) inches wide, stating:

FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF 6 YEARS IMPRISONMENT AND A FINE NOT TO EXCEED \$3,000 FOR CARRYING WEAPONS ON SCHOOL PROPERTY.

AND IS FURTHER AMENDED by deleting subsection (d)(1) in its entirety and substituting instead the following:

(1) Employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee National Guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

SECTION 9. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting the words "with the intent to go armed" from subsection (a);

AND IS FURTHER AMENDED by deleting subsection(b)(1) in its entirety and substituting instead the following:

(1) Employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee National Guard when in discharge of their official duties and acting under order requiring them to carry arms or weapons;

AND IS FURTHER AMENDED by deleting the punctuation mark "." at the end of subsection (b)(7)(D) and substituting instead the words and punctuation "; or".

AND IS FURTHER AMEND by adding the following new subsection to be designated as (b)(7)(E):

(E) A person who possesses or carries a firearm for the purpose of sport or target shooting and sport or target shooting is permitted in such park or recreational area.

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SECTION 10. Tennessee Code Annotated, Section 39-17-1315, is amended by adding the language "full-time employee of the Tennessee Emergency Management Agency in the performance of the employee's duty," after the language and punctuation "hours duration," but before the language "or other officers" in subsection (a).

SECTION 11. This act shall take effect upon become a law, the public welfare requiring it.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1871 by deleting the catchline and subsection (a) of Section 39-17-1307 of SECTION 6 of House Judiciary Committee Amendment 1 in its entirety and substituting instead the following:

39-17-1307. Unlawful Carrying of a Weapon.

(a) A person commits an offense who:

(1) Carries with the intent to go armed a handgun or a club; or

(2) Carries any deadly weapon with the intent to employ it in the commission of or escape from an offense.

FURTHER AMEND by deleting from subsection (b)(1) of Section 39-17-1307 of SECTION 6 of House Judiciary Committee Amendment 1 the word "possession" and substituting instead the word "carrying".

FURTHER AMEND by deleting from subsection (b)(2)(A) of Section 39-17-1307 of SECTION 6 of House Judiciary Committee Amendment 1 the word "possessed" and substituting instead the word "carried".

FURTHER AMEND by deleting the catchline, the first sentence of subsection (a) and subsection (a)(1) and (a)(2) of Section 39-17-1308 of SECTION 7 of House Judiciary Committee Amendment 1 and substituting instead the following:

39-17-1308. Defenses to Unlawful Carrying of a Weapon.

(a) It is a defense to the application of Section 39-17-1307 if the carrying:

(1) Was of an unloaded handgun not concealed on or about the person and the ammunition for the handgun was not in the immediate vicinity of the person; or

(2) Was by a person authorized to carry a firearm pursuant to Section 39-17-1315; or

FURTHER AMEND by deleting from subsection (a)(5) of Section 39-17-1308 of SECTION 7 of House Judiciary Committee Amendment 1 the words "possessing a rifle or shotgun while".

FURTHER AMEND by deleting the first amendatory paragraph of SECTION 8 of House Judiciary Committee Amendment 1 in its entirety.

FURTHER AMEND by deleting the first amendatory paragraph of SECTION 9 of House Judiciary Committee Amendment 1 in its entirety.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Burnett renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Burnett moved that House Bill No. 1871, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	2

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Moody, Niceley -- 2.

A motion to reconsider was tabled.

*House Bill No. 2631 -- Gas, Petroleum Products, Volatile Oils
-- Deletes sunset provision on oil and gas well spacing requirement

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in Overton County. Amends TCA 60-1-106.

Rep. Burnett moved that House Bill No. 2631 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

*House Bill No. 2342 -- State Employees -- Clarifies "years of service" on supplemental medical insurance for retirees. Amends TCA, Titles 8, 27, 34, 50.

Rep. Rhinehart moved that House Bill No. 2342 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2342 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 34, Part 2, is amended by adding a new section as follows:

() (1) A retirement incentive plan shall operate to benefit: state general employees including general employees employed by institutions of higher education, teachers employed by the Tennessee Department of Education, state policemen and state wildlife officers as such classifications are defined by T.C.A. 8-34-101 et. seq.

(2) Employees eligible to participate in the plan shall be current employees who have been employed full-time by the state for the past five (5) years and who satisfy one of the following criteria during the time the plan is in effect;

(A) thirty (30) years or more of TCRS retirement service credit, the last ten (10) of which shall be state service; or

(B) age sixty (60) or over with ten (10) or more years of TCRS retirement service credit, the last ten (10) of which shall be state service; or

(C) age fifty-five (55) or over with twenty-five (25) or more years of TCRS retirement service credit, the last ten (10) of which shall be state service;

(D) if employed as state policemen or state wildlife officers, age fifty-five (55) or over with ten (10) or more years of TCRS retirement service credit, the last ten (10) of which shall be state service; or

(E) if employed as state policemen or wildlife officers classified as either Prior Class C members or participating in Group II under the provisions of Tennessee Code Annotated, Section 8-36-201(b)(2) if such members have twenty-five (25) years of TCRS service credit, the last ten (10) of which shall be state service.

(3) The plan shall operate for a period of one hundred twenty (120) days beginning on or after May 1, 1990 as determined by Executive Order.

(4) The purpose of the plan shall be to reward employees who choose to retire during the period the plan is in effect with a cash bonus. To be eligible to receive the bonus, the employee must terminate active state employment during the 120-day period and file an application for retirement during the 120-day period. In addition, the employee may not later be reemployed by the state except under the provisions of T.C.A. 8-36-305.

(5) This bonus shall be equal to \$4,000 plus the longevity pay the employee would receive during the 1990-91 fiscal year if he had continued to work for the state. Payment to the employee shall be made after July 1, 1990. The bonus shall not be included in determining the employee's average final compensation for retirement purposes, nor shall it be subject to retirement contributions.

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(6) The Commissioner of Finance and Administration shall develop a plan for operation of the retirement incentive program to ensure that sufficient payroll savings will be generated to fund all cash bonuses provided for herein and all additional retirement liability created hereby. The plan shall provide for the lump sum payment of any additional retirement liability created by implementation of this act. The plan must be approved by the Comptroller of the Treasury and the State Treasurer.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend House Bill 2342 by adding to Section 1 the following new item:

(7) Any local school system is authorized, at its option, to make available to its employees a retirement incentive plan; provided, however, any such incentive shall not be included in determining the employee's average final compensation for retirement purposes, nor shall it be subject to retirement contributions. The state shall not be liable for the payment of any incentive on account of local school system employees. All costs associated with the payments provided by a retirement incentive plan established by a local school system shall be the responsibility of such school system.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 2342 by adding the following new SECTION to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Title 8, Chapter 34, Part 2, is amended by adding a new section as follows:

Section _____. (a) The board of trustees of the University of Tennessee and the board of regents of the State University and Community College System of

Tennessee may elect to provide a retirement incentive plan which operates to benefit faculty members employed by institutions of higher education.

(b) Faculty members eligible to participate in the plan shall be current employees who have been employed full-time as a faculty member in higher education for the past five (5) years and who satisfy one of the following criteria during the time the plan is in effect:

(1) thirty (30) or more years of retirement service credit in the Tennessee consolidated retirement system, or the optional retirement program established under section 8-35-401, the last ten (10) of which shall be service in the higher education system; or

(2) age sixty (60) or over with ten (10) or more years of retirement service credit in the Tennessee consolidated retirement system, or the optional retirement program established under section 8-35-401, the last ten (10) of which shall be service in the higher education system; or

(3) age fifty-five (55) or over with twenty-five (25) or more years of retirement service credit in the Tennessee consolidated retirement system, or the optional retirement program established under section 8-35-401, the last ten (10) of which shall be service in the higher education system.

(c) The plan shall operate for a period of one hundred twenty (120) days beginning on or after May 1, 1990 as determined by the plan developed under subsection (f).

(d) The purpose of the plan shall be to reward employees who choose to retire during the period the plan is in effect with a cash bonus. To be eligible to receive the bonus, the employee must terminate active employment during the 120-day period and file an application for retirement during the 120-day period. In addition, the employee may not later be reemployed by the state except under the provisions of T.C.A. 8-36-805.

(e) This bonus shall be equal to \$4,000 plus the longevity pay the employee would receive during the 1990-91 fiscal year if he had continued to work for the higher education system; provided, however, nothing contained herein shall be construed to permit an employee to receive more than one longevity payment

for the same fiscal year. Payment to the employee shall be made after July 1, 1990. The bonus shall not be included in determining the employee's average final compensation for retirement purposes, nor shall it be subject to retirement contributions.

(f) All costs associated with the payments provided by the retirement incentive plan shall come from funds provided in the budget for higher education. Upon electing to provide the retirement incentive program, the board of trustees of the University of Tennessee and the board of regents of the State University and Community College System of Tennessee shall develop a plan for operation of the program to ensure that sufficient payroll savings will be generated to fund all cash bonuses provided for herein and all additional retirement liability created hereby. The plan shall provide for the lump sum payment of any additional retirement liability created by implementation of this act. The plan must be approved by the Commissioner of Finance and Administration, the Comptroller of the Treasury and the State Treasurer.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Rhinehart moved that House Bill No. 2342, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callcott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Sharley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Herron -- 1.

A motion to reconsider was tabled.

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***House Bill No. 2209 -- Election Laws -- Increases compensation of election commission in certain counties. Amends TCA 2-12-108.**

Rep. Robinson (Davidson) moved that House Bill No. 2209 be reset to the next available space on the Calendar for Wednesday, April 11, 1990, which motion prevailed.

House Bill No. 0048 -- Workers' Compensation -- Authorizes employee to select a physician or surgeon not designated by employer in certain circumstances. Amends TCA, Title 50, Ch. 6.

On motion of Rep. King, House Bill No. 46 was withdrawn from the House.

House Bill No. 0048 -- Appropriations -- Makes appropriation and directs preplanning of football field and stadium.

On motion, House Bill No. 48 was made to conform with Senate Bill No. 43.

On motion, Senate Bill No. 43, on same subject, was substituted for House Bill No. 48.

Rep. King moved that Senate Bill No. 43 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. King moved that Senate Bill No. 43 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	83
Noes.	7

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Givens, Good, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 83.

Representatives voting no were: Bittle, Chiles, Coffey,

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Gunnels, Harrill, Moody, Niceley -- 7.

A motion to reconsider was tabled.

*House Bill No. 1661 -- Sunset Laws -- Extends termination date of law enforcement training academy. Amends TCA, Title 4, Chs. 3, 7, 29; Title 37, Ch. 1; Title 38, Ch. 8.

On motion, House Bill No. 1661 was made to conform with Senate Bill No. 1841.

On motion, Senate Bill No. 1841, on same subject, was substituted for House Bill No. 1661.

Rep. King moved that Senate Bill No. 1841 be passed on third and final consideration.

Rep. King moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Garrett moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1841 by deleting the following language from the new section added by Senate Amendment No. 2:

The report shall address the adoption of fees that will be sufficient to enable the academy to be fiscally self supporting. The academy shall include in such report criteria for determining whether to waive or to reduce fees for law enforcement agencies which would suffer financial hardship in obtaining law enforcement training for police recruits and police officers. No fee may be waived or reduced with out the written approval of the chairman.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that Senate Bill No. 1841, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	4

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duen, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U.

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(Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives present and not voting were: Davis (Cocke), Harrill, Haun, Huskey -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on Senate Bill No. 1841 and have this statement entered in the Journal.

Rep. Frank Niceley

MOTION TO RECONSIDER

Rep. King moved to lift from the table the motion to reconsider Senate Bill No. 43, which motion prevailed.

*Senate Bill No. 0043 -- Appropriations -- Makes appropriation and directs preplanning of football field stadium.

Rep. King moved to reconsider our action in passing Senate Bill No. 43, which motion prevailed.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 43 by deleting Sections 1 through 4 in their entirety and substituting instead the following:

SECTION 1. Tennessee State University and an appropriate agency of the metropolitan government of Nashville and Davidson County as designated by the metropolitan mayor, shall conduct a study of the need for, location, size, cost, financing, and any other pertinent factors concerning a stadium facility available for use both by the Tennessee State University and the metropolitan government of Nashville and Davidson County, including metropolitan schools. The costs of such study shall not exceed three hundred thousand dollars (\$300,000) and shall be paid by the matching of state funds on a dollar for dollar basis by the metropolitan government or other appropriate local sources.

SECTION 2. Tennessee State University and the appropriate metropolitan agency shall submit their findings and recommendations to the governor, the state building commission, general assembly, metropolitan mayor, and metropolitan council by January 15, 1991.

SECTION 3. The state funds in the sum of one hundred fifty thousand dollars (\$150,000) for the Tennessee State University - metro stadium feasibility study appropriated for the 1988-1989 fiscal year shall not revert to the state general fund on June 30, 1989 or June 30, 1990, but shall be carried forward in a reserve in the 1989-1990 fiscal year and the 1990-1991 fiscal year and remain available until expended for such feasibility study.

SECTION 4. This act shall take effect on July 1, 1990, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that Senate Bill No. 43, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives voting no were: Gunnels, Harrill -- 2.

A motion to reconsider was tabled.

*House Bill No. 1751 -- Hotels and Restaurants -- Regulates inspection and sanitation of bed and breakfast establishments. Amends TCA, Title 68.

On motion, House Bill No. 1751 was made to conform with Senate Bill No. 2169.

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On motion, Senate Bill No. 2169, on same subject, was substituted for House Bill No. 1751.

Rep. Scruggs moved that Senate Bill No. 2169 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Scruggs moved that Senate Bill No. 2169 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kieber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 2135 -- Hospitals and Health Care Facilities -- Revises procedure and expands scope of protection available to mental health professionals under duty to communicate violent behavior. Amends TCA 33-10-301, 302.

Rep. Holcomb moved that House Bill No. 2135 be passed on third and final consideration.

Rep. Holcomb moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2135 by deleting Section 2 in its entirety and by renumbering Section 3 to become Section 2.

On motion, Amendment No. 1 was adopted.

Rep. Holcomb moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2135 by adding the following language at the end of Section 1:

Facilities operated by the Department of Mental Health and Mental Retardation are excluded from the provisions of this part.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Holcomb moved that House Bill No. 2135, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

*House Bill No. 2142 -- Teachers -- Allows year of probationary service to be included in consideration for tenure. Amends TCA 49-5-5606.

On motion, House Bill No. 2142 was made to conform with Senate Bill No. 2343.

On motion, Senate Bill No. 2343, on same subject, was substituted for House Bill No. 2142.

Rep. Starnes moved that Senate Bill No. 2343 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	6
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrell, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Bivens, Chiles, Coffey, Hubbard, Niceley, Scruggs -- 6.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

House Bill No. 2340 -- County Government -- Establishes compensation schedule for county legislative body members. Amends TCA 5-5-107.

Rep. Starnes moved that House Bill No. 2340 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2340 by adding at the end of Section 1(b) the following new subdivision:

(2) In counties of the second class as defined by Section 8-24-101, which have a population of not less than 287,700 nor more than 287,800, according to the 1980 federal census, or any subsequent federal census, the county legislative body may, by resolution adopted by a two-thirds (2/3) vote of its membership, determine the amount of and fix the compensation for members of its successor county legislative body; provided, however, if such resolution is not adopted, then the compensation for members of the successor legislative body shall be five hundred dollars (\$500) per month. Additionally, the county legislative body may, by resolution adopted by a two-thirds (2/3) vote of its membership, provide for annual adjustment of the compensation for members of its successor county legislative body by directing that such compensation shall be adjusted each year during the term of the successor body

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in the same percentage as is provided for general county employees for such year. Provided, however, total compensation for members of the successor county legislative body shall not exceed the compensation plus annual adjustments, if any, as determined by action or inaction of the preceding county legislative body.

AND FURTHER AMEND by deleting subsection (e) from the amendatory language of Section 1.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Starnes moved that House Bill No. 2340, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0
Present and not voting.	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives present and not voting were: Burchfield, Cain, Givens -- 3.

A motion to reconsider was tabled.

House Bill No. 0607 -- Motor Vehicles, Titling and Registration -- Creates license plate for U.S. Reserve Forces. Amends TCA, Title 55, Ch. 4.

On motion, House Bill No. 607 was made to conform with Senate Bill No. 112.

On motion, Senate Bill No. 112, on same subject, was substituted for House Bill No. 607.

Rep. Starnes moved that Senate Bill No. 112 be passed on third and final consideration.

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Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 112 by substituting language for Section 1, thereof as follows:

SECTION 1. Tennessee Code Annotated, Section 55-4-202 is amended by adding a new subdivision to subsection (c) thereof as follows:

() U.S. Reserve Forces

AND FURTHER AMEND by substituting language for Section 2. thereof as follows:

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2 is amended by adding a new section as follows:

Special plates are authorized to be issued to U.S. Reserve forces if a minimum order of 100 plates is made and a fee of six dollars fifty cents (\$6.50) is paid.

AND FURTHER AMEND by deleting Section 3. thereof.

AND FURTHER AMEND by substituting for the year "1989" in Section 4. thereof the following:

1990

Rep. Buck moved that Amendment No. 1 be tabled, which motion prevailed.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 2.

Rep. Chiles moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 112 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The fee for the plate authorized by this act shall be twenty-five dollars (\$25.00).

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Starnes moved that Senate Bill No. 112, as amended, be passed on third and final consideration, which motion

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prevailed by the following vote:

Ayes	90
Noes	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Cain, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Callicott, Gunnels, Stamps -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 112 and have this statement entered in the Journal.

Rep. Douglas Gunnels

MESSAGE FROM THE SENATE April 5, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 580, 581 and 583; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0580 -- Memorials, Interns -- Recognizes Wendy Trent-Carrington, 1990 legislative intern.

Senate Joint Resolution No. 0581 -- Memorials, Interns -- Honors Katie Ann Lafever, 1990 legislative intern.

Senate Joint Resolution No. 0583 -- Memorials, Condolence -- Honors memory of Downing Pryor.

REGULAR CALENDAR, CONTINUED

Senate Joint Resolution No. 0262 -- Highway Signs -- Provides for signs for Methodist Hospital North in Memphis.

Rep. Byrd moved that Senate Joint Resolution No. 262 be concurred in.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Joint Resolution No. 262 by adding the following at the end of the first resolving clause:

Provided however, this resolution shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this resolution shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Byrd moved that Senate Joint Resolution No. 262, as amended, be concurred in, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Haesell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Joint Resolution No. 262 and have this statement entered in the Journal.

Rep. Dick Clark

REGULAR CALENDAR, CONTINUED

House Bill No. 2671 -- Naming and Designating -- Designates certain portion of Caney Fork River as family oriented fishing site.

Rep. Buck moved that House Bill No. 2671 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2671 by striking the words "be designated as a family oriented fishing site." in Section 1 and by substituting in lieu thereof the words "utilize the same seasons, creel limits and methods of taking of all sport fish as that Section of the River extending upstream from Happy Hollow access point in Putnam County to the Center Hill Dam."

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 2671, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

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Representatives voting no were: Callicott, Chiles, Purcell -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on House Bill No. 2671 and have this statement entered in the Journal.

Rep. Gary Odom

REGULAR CALENDAR, CONTINUED

House Joint Resolution No. 813 -- Memorials, Interns -- Honors
Rena Mulroy, 1990 legislative intern.

Rep. Scruggs moved that House Joint Resolution No. 813 be adopted, which motion prevailed by the following vote:

Ayes. 94
Noes. 1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huekey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Moore (Lawrence) -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to yes on House Joint Resolution No. 813 and have this statement entered in the Journal.

Rep. Calvin Moore

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REGULAR CALENDAR, CONTINUED

*House Bill No. 2300 -- Motor Vehicles, Titling and Registration
-- Revises procedures for applying for special license plates.
Amends TCA, Title 55, Ch. 4.

On motion, House Bill No. 2300 was made to conform with Senate Bill No. 2509.

On motion, Senate Bill No. 2509, on same subject, was substituted for House Bill No. 2300.

Rep. Robinson (Davidson) moved that Senate Bill No. 2509 be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Robinson (Davidson) moved that Senate Bill No. 2509 be passed on third and final consideration.

Rep. Robinson (Davidson) moved to amend as follows:

Amendment No. 1

AMEND Senate Bill No. 2509 by deleting the following language added by Amendment No. 1:

It shall apply to all special plates created by law on or after the effective date of this act.

AND FURTHER AMEND by adding at the end of Section 1 the following:

The provisions of this subsection shall only apply to any special plate authorized by law after July 1, 1990. It is the legislative intent that this act apply prospectively only.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Robinson (Davidson) moved that Senate Bill No. 2509, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duery, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry

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(Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2711; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2711 -- Gibson County -- Creates board of commissioners for utility district. Amends Chapter 192, Private Acts of 1953, as amended.

CONSENT CALENDAR

House Resolution No. 0139 -- Memorials, Interns -- Commends Katrina Akers, 1990 legislative intern.

House Resolution No. 0140 -- Memorials, Congratulations -- Commends Smyrna Middle School Band on outstanding competition performance.

House Resolution No. 0142 -- Memorials, Personal Achievement -- Congratulates Sheryl Windrow, Valedictorian of Eagleville High School.

House Resolution No. 0143 -- Memorials, Personal Achievement -- Congratulates Gretchen Parker, Salutatorian of Holloway High School.

House Resolution No. 0144 -- Memorials, Personal Achievement -- Congratulates Gail Warnack, Valedictorian of Holloway High School.

House Resolution No. 0146 -- Memorials, Personal Achievement -- Congratulates Mark Adrian Bacurin, Valedictorian of Oakland High School.

House Resolution No. 0147 -- Memorials, Personal Achievement -- Congratulates Gordon Hull, Salutatorian of Riverdale High School.

House Resolution No. 0148 -- Memorials, Personal Achievement -- Congratulates Steven Odom, Valedictorian of Riverdale High School.

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House Resolution No. 0149 -- Memorials, Personal Achievement --
Congratulates Theresa Michelle Aldridge, Salutatorian Laverne High
School.

House Resolution No. 0150 -- Memorials, Personal Achievement --
Congratulates Heather Scott, Valedictorian of Laverne High School.

House Resolution No. 0151 -- Memorials, Personal Achievement --
Congratulates Kara Sue Vanderweg, Valedictorian of Oakland High
School.

House Resolution No. 0152 -- Memorials, Personal Achievement --
Congratulates Christopher Clark Sisson, Valedictorian of Oakland
High School.

House Resolution No. 0153 -- Memorials, Personal Achievement --
Congratulates Stephen Jerome Moore, Valedictorian of Oakland High
School.

House Resolution No. 0154 -- Memorials, Personal Achievement --
Congratulates James Taylor Lea, Valedictorian of Oakland High
School.

House Resolution No. 0155 -- Memorials, Personal Achievement --
Congratulates Gary Davis, III, Valedictorian of Oakland High School.

House Resolution No. 0156 -- Memorials, Personal Achievement --
Congratulates Shannon Longwell, Salutatorian of Eagleville High
School.

House Resolution No. 0157 -- Memorials, Personal Achievement --
Congratulates Simmi Dogra, Valedictorian of Page High School.

House Resolution No. 0158 -- Memorials, Personal Achievement --
Congratulates Susannah Eliz Guttowsky, Salutatorian of Page High
School.

House Resolution No. 0159 -- Memorials, Personal Achievement --
Congratulates Lori Ann Robbins, Valedictorian of Smyrna High School.

House Resolution No. 0160 -- Memorials, Personal Achievement --
Congratulates Andrew Joseph Harey, Jr, Salutatorian of Smyrna High
School.

House Resolution No. 0161 -- Memorials, Interns -- Honors
Revonda Foster, 1990 legislative intern.

House Resolution No. 0162 -- Memorials, Condolence -- Honors
memory of William Kent Ford, Sr.

House Resolution No. 0163 -- Memorials, Interns -- Recognizes
Beth Montieth, 1990 legislative intern.

House Resolution No. 0164 -- Memorials, Congratulations --
Honors Penny Freshour, Cooke County High School valedictorian.

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House Resolution No. 0185 -- Memorials, Congratulations -- Honors Tracy Leann Davis, Cocke County High School Salutatorian.

House Joint Resolution No. 0829 -- Memorials, Sports -- Honors Harpeth High School Junior Varsity Cheerleaders.

House Joint Resolution No. 0830 -- Memorials, Sports -- Honors Coach Allen Collins and Harpeth High School girls' basketball team.

House Joint Resolution No. 0831 -- Memorials, Sports -- Honor Cheatham County Central High School competition cheerleader squad.

House Joint Resolution No. 0832 -- Memorials, Personal Achievement -- Congratulates Crystal Dawn Brooks, 1990 Valedictorian of Sharon High School.

House Joint Resolution No. 0833 -- Memorials, Personal Achievement -- Congratulates Tammy Freeze Reynolds, salutatorian of Sharon High School.

House Joint Resolution No. 0834 -- Memorials, Interns -- Commends Chris A. Cooper, 1990 legislative intern.

House Joint Resolution No. 0835 -- Memorials, Interns -- Honors Sidney E. Hardyway, 1990 legislative intern.

House Joint Resolution No. 0836 -- Memorials, Public Service -- Honors noted educator Joseph S. York.

House Joint Resolution No. 0837 -- Memorials, Interns -- Honors Jay Harvill, 1990 legislative intern.

House Joint Resolution No. 0839 -- Memorials, Personal Occasion -- Honors Maxine and David Walker on fiftieth wedding anniversary.

House Joint Resolution No. 0841 -- Memorials, Sports -- Congratulates Coach Ed McCollum and Greenback High School girls' basketball team.

House Joint Resolution No. 0843 -- Memorials, Retirement -- Honors Joe Hardeman Exum on his retirement from Jackson Utility Division.

House Joint Resolution No. 0844 -- Memorials, Sports -- Honors Coach Gary Carter and Macon County High School girls' basketball team.

House Joint Resolution No. 0845 -- Memorials, Recognition -- Recognizes Surgoinsville on 175th anniversary of founding.

House Joint Resolution No. 0846 -- Memorials, Congratulations -- Honors Broadway Barber Shop on thirtieth year of operation in Maryville.

House Joint Resolution No. 0847 -- Memorials, Sports -- Honors

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Coach Bill Worrell and Tennessee Tech Golden Eaglettes.

House Joint Resolution No. 0848 -- Memorials, Sports -- Congratulates Celina High School boys' basketball team.

House Joint Resolution No. 0849 -- Memorials, Sports -- Honors Coach Charles Mitchell and Pickett County High School boys' basketball team, TSSAA Class A state champions.

House Joint Resolution No. 0850 -- Memorials, Interns -- Commends Tammye Jonita Butler, 1990 legislative intern.

House Joint Resolution No. 0851 -- Memorials, Sports -- Honors Murray State basketball player, Popeye Jones.

House Joint Resolution No. 0852 -- Memorials, Heroism -- Honors Officer Chip Montgomery for capture of car thief.

House Joint Resolution No. 0853 -- Memorials, Retirement -- Honors Representative Ralph Yelton on retirement.

House Joint Resolution No. 0854 -- Memorials, Public Service -- Honors Robert H. McGaughey, Jr. on contributions to youth.

House Bill No. 2187 -- Anderson County -- Creates position of county law director. Repeals Chapter 608, Private Acts of 1947, as amended.

House Bill No. 2591 -- Williamson County -- Authorizes animal control officers to issue citations in certain circumstances.

House Bill No. 2614 -- Madison County -- Revises purchasing procedures. Amends Chapter 102, Private Acts of 1947, as amended.

House Bill No. 2655 -- Lafayette -- Updates salary and vacancy provisions. Amends Chapter 325, Private Acts of 1945, as amended.

House Bill No. 2666 -- Gallatin -- Revises beginning date of term of office for council members. Amends Chapter 67, Private Acts of 1953, as amended.

On motion, House Bill No. 2666 was made to conform with Senate Bill No. 2690.

On motion, Senate Bill No. 2690, on same subject, was substituted for House Bill No. 2666.

House Bill No. 2667 -- Madison County -- Revises services of office of juvenile court. Amends Chapter 309, Private Acts of 1982, as amended.

House Bill No. 2672 -- Gallatin -- Revises duties and compensation of mayor. Amends Chapter 67, Private Acts of 1953, as amended.

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On motion, House Bill No. 2672 was made to conform with Senate Bill No. 2701.

On motion, Senate Bill No. 2701, on same subject, was substituted for House Bill No. 2672.

House Bill No. 2673 -- Gallatin -- Establishes aldermanic districts. Amends Chapter 67, Private Acts of 1953, as amended.

On motion, House Bill No. 2673 was made to conform with Senate Bill No. 2703.

On motion, Senate Bill No. 2703, on same subject, was substituted for House Bill No. 2673.

House Bill No. 2675 -- Bradley County -- Abolishes mobile home regulation. Repeals Chapter 244, Private Acts of 1984.

House Bill No. 2683 -- Gibson County -- Creates board of commissioners for utility district. Amends Chapter 192, Private Acts of 1953, as amended.

On motion, House Bill No. 2683 was made to conform with Senate Bill No. 2711.

On motion, Senate Bill No. 2711, on same subject, was substituted for House Bill No. 2683.

Senate Joint Resolution No. 0569 -- Memorials, Interns -- Commends Melissa Anne Olmstead, 1990 legislative intern.

Senate Joint Resolution No. 0570 -- Memorials, Public Service -- Commemorates 200th anniversary of Southwest Territory.

Senate Joint Resolution No. 0573 -- Memorials, Interns -- Commends Shawn Gregory Demers, 1990 page.

Senate Joint Resolution No. 0574 -- Memorials, Recognition -- Honors Lon Varnell.

Senate Joint Resolution No. 0578 -- Memorials, Congratulations -- Honors 1989 State Championship 4-H Forestry Team from Carter County.

Senate Joint Resolution No. 0579 -- Memorials, Recognition -- Recognizes Morristown High School Class of 1940 on 50th reunion.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 853 was objected to by Rep. Robinson (Davidson).

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Under the rules, House Joint Resolution No. 853 was/were placed at the foot of the calendar for Monday, April 9, 1990.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kieber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Nalfeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

Senate Bill No. 0957 -- Real Property -- Enacts Uniform Conservation Easement Law. Amends TCA, Title 66, Ch. 9.

Rep. Dixon moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 and 2, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. King moved to lift from the table the motion to reconsider Senate Bill No. 1011, to which Rep. Moody objected.

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*Senate Bill No. 1011 -- Alcoholic Beverages -- Authorizes retail sales by beer manufacturers in certain circumstances. Amends TCA, Title 57, Chs. 5, 6.

Rep. Haun moved the previous question on the motion to lift from the table, which motion failed by the following vote:

Ayes.	58
Noes.	29
Present and not voting.	1

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Cain, Chiles, Clark, Coffey, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Gunnels, Haun, Head, Hillis, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Scruggs, Severance, Stallings, Starnes, Turner, B. (Hamilton), Turner, L. (Shelby), West, Wheeler, Williams, Wix, Yelton -- 58.

Representatives voting no were: Bragg, Burchfield, Byrd, Callicott, Cole, Cross, Curlee, Good, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Hobbs, Holcomb, McAfee, Moody, Odom, Peroulas, Ridgeway, Shirley, Sipes, Stamps, Turner, C. (Shelby), Ussery, Whitson, Winningham, Wolfe, Wood -- 29.

Representatives present and not voting were: Napier -- 1.

Thereupon, Rep. King moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 3, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1291 -- Municipal Government -- Enables municipalities to "do within their boundaries anything the state could do". Amends TCA, Titles 6, 7, 13, 67.

Senate Amendment No. 1

Amend House Bill No. 1291 by deleting SECTION 1 in its entirety and replacing it with the following:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 5 is amended by adding the following as an appropriately numbered new section:

6-54-5. Validation of ordinances included in codification. When any municipality has its ordinances codified and adopts a code of ordinances in accordance with this Part, or when a municipality has its code of ordinances updated from time to time, the adoption of the code or

the updating of the code of ordinances shall cure any defects that occurred in the adoption of any of the individual ordinances that are codified or referred to in the code. The adoption of all ordinances codified or referred to in all municipal codes of ordinances previously adopted and in existence on the date this Section takes effect is hereby expressly validated and ratified notwithstanding that defects may have occurred in the adoption.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1291, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Hatteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

House Bill No. 2041 -- Teachers -- Removes enrollment cap on minority teaching fellows program. Amends TCA, Title 49, Ch. 4.

Senate Amendment No. 2

Amend House Bill No. 2041 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-706(a), is amended by deleting the words and figures "nineteen (19) fellows" in the second sentence and substituting the words and figures "thirty-eight (38) fellows".

Rep. U. Jones moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2041, which motion prevailed by the following vote:

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Ayes. 98
Noes. 0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usasery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 2510 -- General Assembly -- Establishes functions for which members are eligible for expenses. Amends TCA 3-1-106, 107.

Senate Amendment No. 4

AND FURTHER AMEND House Bill No. 2510 by deleting SECTION 3 in its entirety and substituting instead the following new sections:

SECTION 3. Tennessee Code Annotated, Section 3-1-107, is amended by adding the following new paragraph to subsection (a):

Beginning with the election of the Ninety-Seventh General Assembly, in addition to the base annual salary provided in the first paragraph of this subsection, during the interim between sessions, for each day while performing official duties as a legislator attending to state business at the seat of government, each member may receive supplemental compensation in an amount as provided in Section 3-1-106(b)(1). Such days shall be certified by the member to the speaker of the respective house for prior approval.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 2510, which motion prevailed by the following vote:

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Ayes. 87
Noes. 6

Representatives voting aye were: Anderson, Armstrong, Austin, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives voting no were: Bell, Cole, Halteman, Holcomb, Stamps, West -- 6.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 2528 -- Litter Control -- Creates presumption that litter bearing person's name was put on property by that person. Amends TCA 39-14-502.

Rep. Robinson (Davidson) moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to Senate Bill No. 2528, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Rhinehart moved that the rules be suspended for the introduction and passage on first consideration of House Bill No. 2690, which motion prevailed.

House Bill No. 2690 -- South Pittsburg -- Revises charter relative to compensation of mayor and commissioners. Amends Chapter 63, Private Acts of 1917, as amended. by *Rhinehart.

RESOLUTION REFERRED

Rep. Dixon moved that House Joint Resolution No. 739 be recalled from the State and Local Government Committee and referred to the General Welfare Committee, which motion prevailed.

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RULES SUSPENDED

Rep. Dixon moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 739 can be heard by the General Welfare Committee on Tuesday, April 10, 1990, which motion prevailed.

RULES SUSPENDED

Rep. Shirley moved that the rules be suspended for the purpose of introducing House Resolution No. 167 out of order, which motion prevailed.

House Resolution No. 0167 -- Memorials, Interns -- Honors David Mark Abernathy, 1990 legislative intern. by *Shirley, *Turner C, *Herron.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Shirley, the resolution was adopted.

A motion to reconsider was tabled.

BILL RE-REFERRED

Rep. Clark moved that House Bill No. 2209, which was considered on today's calendar, be re-referred to the Calendar and Rules Committee, which motion prevailed.

RULES SUSPENDED

Rep. Bragg moved to suspend Rule No. 81(1), so that bills reported out of the Finance, Ways and Means subcommittee on Tuesday, April 10, 1990, can be heard in the full Committee on Tuesday afternoon, April 10, 1990, which motion prevailed.

RULES SUSPENDED

Rep. Bragg moved to suspend Rule No. 81(1), so that bills reported out of Finance, Ways and Means Committee on Tuesday afternoon, April 10, 1990 can be placed on the Calendar and Rules Calendar for Wednesday morning, April 11, 1990, which motion prevailed.

RULES SUSPENDED

Rep. Bragg moved to suspend Rule No. 49, so that Finance bills reported out of Calendar and Rules Committee on Wednesday morning, April 11, 1990, can be placed on the floor calendar for Wednesday

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afternoon, which motion prevailed.

RULES SUSPENDED

Rep. Love moved that the rules be suspended for the purpose of introducing House Resolution No. 168 out of order, which motion prevailed.

House Resolution No. 0168 -- Memorials, Interns -- Commends Terrie M. West, 1990 legislative intern. by *Love, *Holt, *Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Love, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Love moved that the rules be suspended for the purpose of introducing House Resolution No. 169 out of order, which motion prevailed.

House Resolution No. 0169 -- Memorials, Interns -- Commends J. Yolanda Jackson, 1990 legislative intern. by *Love, *Holt, *Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Love, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Love moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 1784 can be heard by the State and Local Government Committee on Monday, April 9, 1990, which motion prevailed.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 860 out of order, which motion prevailed.

House Joint Resolution No. 0860 -- Memorials, Recognition -- Congratulates Greenwood Baptist Church on 150 years of service. by *Hillis, *Bell, *Winningham, *Phillips, *Kisber, *Hobbs, *Pinfon, *Yelton, *Henry Dwight, *Wolfe, Wood, Rhinehart.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Phillips moved to suspend Rule No. 49 (48-hour rule) to allow bills moved from Calendar and Rules on Tuesday and Wednesday, April 10 and 11, 1990, to be set on floor calendar(s) Wednesday and Thursday, April 11 and 12, 1990, which motion prevailed.

RULES SUSPENDED

Rep. Phillips moved to suspend Rule No. 71 relative to the distribution of Committee Amendments twenty-four hours prior to consideration, which motion prevailed.

MOTION TO RECONSIDER

*Senate Bill No. 0112 -- Motor Vehicles, Titling and Registration -- Creates license plate for U.S. Reserve Forces. Amends TCA, Title 55, Ch. 4.

Rep. Chiles moved to lift from the table the motion to reconsider Senate Bill No. 112, which motion prevailed by the following vote:

Ayes.	86
Noes.	4
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 86.

Representatives voting no were: Dixon, Jones, U. (Shelby), Starnes, Mr. Speaker Murray -- 4.

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Representatives present and not voting were: Hillis, Rhinehart -- 2.

Rep. Chiles moved to reconsider our action in passing Senate Bill No. 112, as amended, which motion prevailed.

Rep. Chiles moved to amend as follows:

Amendment No. 3

AMEND Senate Bill No. 112 by deleting all of the language of House Amendment No. 2.

AND FURTHER AMEND by deleting from Section 3(a) the following language:

"and the cost of producing the special plate, providing that the fee results in a revenue neutral fee for such plates, and as provided in Tennessee Code Annotated, Section 55-4-203."

and by substituting instead the following:

"and twenty-five dollars (\$25.00)."

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Chiles moved that Senate Bill No. 112, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

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RULES SUSPENDED

Rep. Scruggs moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 590 out of order, which motion prevailed.

Senate Joint Resolution No. 0590 -- General Assembly, Proclamations -- Proclaims "National Community Development Week".

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Scruggs, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution(s) No(s). 142, 143, 144, 146, 147, 148, 151, 152, 153, 154, 155, 159 and 160: Rep(s). Bragg added as prime sponsor(s).

House Joint Resolution No. 813: Rep(s). Severance added as prime sponsor(s).

House Bill No. 607: Rep(s). Hobbs added as prime sponsor(s).

House Bill No. 2533: Rep(s). Buck, Kisber and Ridgeway added as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolutions listed below were introduced and referred as noted:

***House Resolution No. 0141 -- General Assembly, Studies -- Creates special committee to study registry of election finance. by *Kisber.**

The Speaker referred House Resolution No. 141 to the Calendar and Rules Committee.

***House Resolution No. 0166 -- General Assembly, Studies -- Directs study of revisions to Uniform Commercial Code. by *Holt, *Wheeler.**

The Speaker referred House Resolution No. 166 to the Calendar and Rules Committee.

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House Resolution No. 0170 -- Memorials, Retirement -- Honors James "Peanut" Griffith. by *Winningham.

The Speaker referred House Resolution No. 170 to the Calendar and Rules Committee.

House Resolution No. 0172 -- Memorials, Interns -- Honors Rhonda Marie Dodds, 1990 legislative intern. by *Armstrong, *Jones, U.

The Speaker referred House Resolution No. 172 to the Calendar and Rules Committee.

House Resolution No. 0173 -- Memorials, Interns -- Honors Carla Sue Butler, 1990 legislative intern. by *Williams K, *Kernell.

The Speaker referred House Resolution No. 173 to the Calendar and Rules Committee.

House Resolution No. 0174 -- Memorials, Recognition -- Honors William E. Todd of Memphis. by *Jones U, *King, *Shirley, *Hassell, *Moore U A, *Turner C, *Byrd, *Nuber, *Cain, *Dixon, *Kent, Kernell, Jones R, Turner L, Gaia, DeBerry.

The Speaker referred House Resolution No. 174 to the Calendar and Rules Committee.

House Resolution No. 0175 -- Memorials, Interns -- Honors Angela R. Kirkpatrick, 1990 legislative intern. by *Good, *Robinson Ruth.

The Speaker referred House Resolution No. 175 to the Calendar and Rules Committee.

House Joint Resolution No. 0855 -- Memorials, Retirement -- Honors Don Abbott on his retirement from grocery business in Townsend. by *Anderson, *Huskey.

The Speaker referred House Joint Resolution No. 855 to the Calendar and Rules Committee.

House Joint Resolution No. 0856 -- Memorials, Condolence -- Honors memory of Paul Arnold Oot. by *Harrill.

The Speaker referred House Joint Resolution No. 856 to the Calendar and Rules Committee.

House Joint Resolution No. 0857 -- Memorials, Sports -- Honors Coach Joe Sims and Celina High School girls' basketball team, TSSAA Region 3 A champs. by *Winningham.

The Speaker referred House Joint Resolution No. 857 to the Calendar and Rules Committee.

House Joint Resolution No. 0858 -- Memorials, Sports -- Honors

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Eric Mitchell, Class A Mr. Basketball. by *Winningham.

The Speaker referred House Joint Resolution No. 858 to the Calendar and Rules Committee.

House Joint Resolution No. 0859 -- Memorials, Public Service -- Honors President Mike Collins and Resource Valley for contributions to East Tennessee. by *Henry Jim, *Burghfield, *Scruggs, *Peroulas.

The Speaker referred House Joint Resolution No. 859 to the Calendar and Rules Committee.

House Joint Resolution No. 0861 -- Memorials, Personal Achievement -- Congratulates Johnna Hilliard, Salutatorian of Dresden High School. by *Herron.

The Speaker referred House Joint Resolution No. 861 to the Calendar and Rules Committee.

House Joint Resolution No. 0862 -- Memorials, Personal Achievement -- Congratulates Michael Wilson, 1990 Valedictorian of Dresden High School. by *Herron.

The Speaker referred House Joint Resolution No. 862 to the Calendar and Rules Committee.

House Joint Resolution No. 0863 -- Memorials, Personal Achievement -- Honors Benjamin Richard Brewster on attaining rank of Eagle Scout. by *Herron.

The Speaker referred House Joint Resolution No. 863 to the Calendar and Rules Committee.

House Joint Resolution No. 0864 -- Memorials, Personal Achievement -- Congratulates Eric Corbin on attaining Eagle Scout award. by *Herron.

The Speaker referred House Joint Resolution No. 864 to the Calendar and Rules Committee.

House Joint Resolution No. 0865 -- Memorials, Personal Achievement -- Congratulates Anthony Turner, Salutatorian of Westview High School. by *Herron.

The Speaker referred House Joint Resolution No. 865 to the Calendar and Rules Committee.

House Joint Resolution No. 0866 -- Memorials, Personal Achievement -- Congratulates Carrie Sieber, Valedictorian of Westview High School. by *Herron.

The Speaker referred House Joint Resolution No. 866 to the Calendar and Rules Committee.

House Joint Resolution No. 0867 -- Memorials, Personal

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Achievement -- Honors Amy Scott, 1990 Valedictorian of West Carroll High School. by *Herron.

The Speaker referred House Joint Resolution No. 867 to the Calendar and Rules Committee.

House Joint Resolution No. 0868 -- Memorials, Personal Achievement -- Honors Kristi Travis, 1990 Salutatorian of West Carroll High School. by *Herron.

The Speaker referred House Joint Resolution No. 868 to the Calendar and Rules Committee.

House Joint Resolution No. 0869 -- Memorials, Personal Occasion -- Celebrates B. L. Hale Centennial. by *Webb.

The Speaker referred House Joint Resolution No. 869 to the Calendar and Rules Committee.

House Joint Resolution No. 0870 -- Memorials, Public Service -- Honors Lee Duke. by *Jackson.

The Speaker referred House Joint Resolution No. 870 to the Calendar and Rules Committee.

House Joint Resolution No. 0872 -- Memorials, Public Service -- Honors Dr. Harlington Hanna, Jr. by *Dixon, *Jones U, *King.

The Speaker referred House Joint Resolution No. 872 to the Calendar and Rules Committee.

House Joint Resolution No. 0873 -- Memorials, Retirement -- Recognizes Jerry Miller West on his retirement from Naval Reserves after 36 years. by *West.

The Speaker referred House Joint Resolution No. 873 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration.

***House Bill No. 2685 -- Election Laws -- Requires county election commission to provide printout containing names and addresses of eligible voters and space for signature of voter in Knox County. Amends TCA 2-5-216. by *Severance.**

Passed first consideration.

House Bill No. 2686 -- McNairy County -- Places purchasing for various departments under general law. Amends Chapter 865, Private Acts of 1937, as amended. by *Wolfe.

Passed first consideration.

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***House Bill No. 2687 -- Bond Issues --** Authorizes \$85 million bond issue to construct bridge over Tennessee River. by *Duer, *Webb, *Wood, *Harrill, *Bivens, *Turner B, *McAfee, *Robinson C B, *Starnes.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

House Bill No. 2676 -- Dyersburg -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2677 -- Athens -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2678 -- Madison County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2679 -- Lawrence County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2680 -- Lewis County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2681 -- Henderson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2682 -- Robertson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2684 -- Sullivan County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

REPORT OF DELAYED BILLS COMMITTEE

April 5, 1990

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2674.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

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**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
April 5, 1990**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2626, 2627, 2676, 2677, 2678, 2679, 2680, 2682 and 2684.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 5, 1990**

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 9, 1990: House Resolution(s) No(s). 173, 174 and 175; House Joint Resolution(s) No(s). 855, 856, 857, 858, 859, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 872 and 873; House Bill(s) No(s). 2626, 2627, 2676, 2677, 2678, 2679, 2680, 2682 and 2684; also, House Resolution(s) No(s). 170 and 172.

PHILLIPS, Chairman.

**ENROLLED BILLS
April 5, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 137, 138 and 145; find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 5, 1990**

The Speaker announced that he had signed the following: House Resolution(s) No(s). 137, 138 and 145.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 5, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2107; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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MESSAGE FROM THE GOVERNOR

April 5, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 393, 598, 628, 1744, 1766, 1797, 2006, 2050, 2337, 2408, 2434, 2551, 2557, 2565, 2584, 2589, 2594, 2596, 2597, 2611, 2617, 2618, 2619, 2630, 2632, 2634, 2636, 2638 and 2640; also, House Joint Resolution(s) No(s). 523, 542, 544, 550, 560, 666, 691, 694, 697, 700, 701, 702, 703, 704, 705, 706, 707, 709, 710, 711, 712, 713, 714, 715 and 768; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENGROSSED BILLS

April 5, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1864; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 5, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2645, 2646, 2649, 2659, 2660, 2662, 2663, 2664 and 2668; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 823, 824, 825, 826, 827 and 842; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

April 5, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 2662 and 2663;

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and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
April 5, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 2662 and 2663.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS
April 5, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1871, 2135 and 2631; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 5, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1798; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 5, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 780, 781, 782, 789, 790, 791, 792, 793, 794 and 805; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 5, 1990

MR. SPEAKER: I am directed to return to the House, House

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Bill(s) No(s). 2662 and 2663; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**REPORT OF CHIEF ENGROSSING CLERK
April 5, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 2662 and 2663; for his action.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**REPORT OF CHIEF ENGROSSING CLERK
April 5, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1798; for his action.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**ENGROSSED BILLS
April 5, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2340, 2342 and 2671; also, House Joint Resolution(s) No(s). 813; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**ENGROSSED BILLS
April 5, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 839; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

THURSDAY, APRIL 5, 1990 -- EIGHTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 5, 1990

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2219; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

April 5, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2187, 2591, 2614, 2655, 2667 and 2675; also, House Joint Resolution(s) No(s). 829, 830, 831, 832, 833, 834, 835, 836, 837, 841, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 854 and 860; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 5, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 585, 586, 587, 588, 595, 605 and 609; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0585 -- Memorials, Retirement -- Honors retirement of Charles O. McPherson.

Senate Joint Resolution No. 0586 -- Memorials, Retirement -- Honors retirement of Judge William H. Williams.

Senate Joint Resolution No. 0587 -- Memorials, Retirement -- Honors retirement of Judge William W. O'Hearn.

Senate Joint Resolution No. 0588 -- Memorials, Retirement -- Honors retirement of Judge Buford E. Wells.

Senate Joint Resolution No. 0595 -- Memorials, Sports -- Honors Coach Michael Seals and Sequatchie High School boys' basketball team, TSSAA region 4 A champs.

Senate Joint Resolution No. 0605 -- Memorials, Retirement -- Commends James A. "Bubba" Blackwell on his retirement as criminal court clerk.

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Senate Joint Resolution No. 0809 -- Memorials, Congratulations
-- Congratulates Autumn Ford on joining National Junior Honor
Society.

MESSAGE FROM THE SENATE

April 5, 1990

MR. SPEAKER: I am directed to return to the House, House Joint
Resolution(s) No(s). 839; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Austin, Bell,
Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain,
Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain,
Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis
(Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good,
Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam),
Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard,
Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent,
Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore
(Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom,
Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway,
Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance,
Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton),
Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West,
Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton,
Mr. Speaker Murray -- 98.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m.